IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 1028 OF 2001

BETWEEN

Nemchand S/o Radha Kishan Agrawal, aged about 28 years, Resident of Sariya, Police Station Sariya, Tahsil Sarangarh District Raigarh.

P.R. No. 1058/am
Presented by Shri R.D. Gadgaiya
dated 9.5.01

PETITIONER

A N D

1. The State of Chhattisgarh,
Through the Secretary Department of Home,
Mantralay, D.K. Building, Raipur.

2. District Magistrate, Raigarh,
District Raigarh.

3. Station House Officer,
Police Station Sariya, District Raigarh.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

(118)
(119)

# आदेश पत्रक

W.P.No. 1028/2001

मामला क्रमांक ..... सन् 199

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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13.7.2001

Mr. Prashant Mishra, learned counsel for the petitioner.

Mr. Gautam Bhaduri, Panel lawyer for the State.

Heard.

The action has been taken against the petitioner under M.P.Rajya Suraksha Adhiniyam. The petitioner was Up-Sarpanch for the period 1999-2000 and thereafter was Sarpanch of Gram Panchayat Sariya. The appeal filed by the petitioner was fixed for hearing on 10.7.2001. The application for stayof the order of externment has been rejected. The hearing of appeal has been adjourned to 31.7.2001. Learned counsel submits that it is affecting fundamental rights of the petitioner. It is also affecting the working of the panchayat, therefore, the order be stayed.

Having considered the facts and circumstances, the material available on record and the law laid down in the case of Kankar Munjare Vs. State of M.P. reported in 1985 JLJ, 217; and in the case of Ayubkhan Vs. State of M.P. and another reported in 1994(1) VIBHA 168, it appears just and proper that the impugned order be stayed so as the petitioner who is Sarpanch is able to discharge

पीछे देखें

## आदेश पत्रक ( पुर्वानुबद्ध )

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | his business subject to the condition that he shall maintain the peace and tranquility and shall not commit any offence. He shall furnish a personal bond in a sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the District Magistrate. This order shall be effective till the decision of the appeal. Violation of Conditions will be taken very Seriously & reported to this Court.<br><br>In view of the what has been stated herein above, this writ petition is accordingly disposed of. Since the appeal is pending, it is not just and proper to express any opinion on the merits and demerits of the case.<br><br>Certified copy, as per Rules.<br><br>Thakur.<br><br>**Sd/-**<br>**Fakhruddin**<br>**Judge** | |